



Equatorial Guinea

Country Reports on Human Rights Practices - [2003](#)

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Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice President Teodoro Obiang Nguema and the small Mongomo sub-clan of the majority Fang tribe, which has ruled since the country's independence in 1968, dominated the Government. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was re-elected with 97.1 percent of the vote and 98 percent of registered voters participating in a December 2002 election marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controlled the judiciary and the legislature; the latter was chosen in elections in 1999 that were criticized widely by the international community as seriously flawed. The judiciary was not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior. The Director General of National Security is the President's brother, Armengol Ondo Nguema. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which they acted independently of government authority. The security forces committed numerous serious human rights abuses.

Although the 2002 census estimated the population at approximately 1 million, credible estimates put the number at closer to 500,000. The majority of the population lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment were very high. Barter was a major aspect of the economy. The gross domestic product has increased substantially in the last 8 years; the rate of growth was approximately 10 to 14 percent during the year. Per capita income was estimated at nearly \$5,000; however, most of the growth in income was due to an increase in crude oil production, which averaged more than 350,000 barrels per day during the year. Poor fiscal management and a lack of transparency in public accounting of national finances have undermined the country's economic potential. Oil companies have paved roads in Malabo, upgraded the island's electricity generating system, and funded a variety of health and environment projects designed to improve citizens' well being; however, there was little evidence that the Government used the country's oil wealth for the public good. Most oil wealth appears to be concentrated in the hands of top government officials while the majority of the population remained poor. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record.

The Government's human rights record remained poor; although there were some improvements in a few areas, numerous serious problems remained. Citizens' ability to change their government peacefully remained restricted. The security forces committed numerous abuses, including torture, beating, and other physical abuse of prisoners and suspects, which at times resulted in deaths; however, there were fewer reported incidents of torture and abuse than in previous years. Prison conditions remained harsh and life threatening. Prisoners often were tortured to coerce confessions. Members of the security forces generally committed abuses with impunity. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system repeatedly failed to ensure due process. The Government released more than 30 political prisoners during the year. The Government restricted the right to privacy. The Government severely restricted freedom of speech and of the press. The Government continued to restrict the rights of assembly and association and limit freedom of religion and movement. There were no effective domestic human rights nongovernmental organizations (NGOs). Violence and discrimination against women remained serious problems. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. The Government restricted labor rights. Child labor persisted and forced prison labor was used. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, security forces killed several persons through abuse and excessive force. For example, on July 2, border guards shot and killed Ana Isabel Sanchez Torralba, a Spanish aid worker, after firing on a bus that pulled away from a roadblock in Bata.

There were no developments in the 2002 killings by security forces of Juan Odo Nguema, Dimas Bueriberi, and Luis Obiang. In addition, there were no developments in the 2002 deaths by torture of three prisoners at the Black Beach prison.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years, nor is it likely to do so.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law mandates respect for the liberty and dignity of persons, but does not specifically prohibit torture, cruel, or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects, prisoners, and opposition politicians. The U.N. Commission on Human Rights (UNCHR) Special Representative Gustav Gallon has described torture as a "normal means of investigation." The Government does not provide medical care to prisoners or detainees.

Unlike in the previous year, there were no reports of deaths of prisoners due to torture and abuse by prison authorities.

There were reports that officials tortured opposition political activists prior to the 2002 coup trial. There were numerous reports that police authorities tied prisoners' arms and legs behind their backs and suspended them from a bar. During the trial, there was evidence that prisoners suffered dislocated wrists and elbows, and many walked with a limp.

Torture commonly was used to extract forced confessions, particularly from the group of 144 alleged coup plotters arrested in March 2002. For example, Felipe Ondo Obiang, leader of the banned Republican Democratic Front (FDR), reportedly was tortured at Black Beach Prison in Malabo and at Evinayong Prison, where he was moved without notice on June 9 (see Section 1.d.). His whereabouts were unknown for more than a day. According to reports, Ondo Obiang was chained to a wall by his leg in late July. He has reportedly received no treatment for medical problems including a swollen leg, frequent severe head pain, earaches, and depression.

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and arbitrary arrest. Police routinely extorted money from citizens of Cameroon, Nigeria, Ghana, Togo, and Benin.

Security forces continued to harass oil company employees during the year (see Section 1.d.).

No action was taken against members of the security forces responsible for the following 2002 cases of abuse: The July beating at Black Beach prison of Bibiana Mico and the beating of an oil company employee for refusing to pay a bribe.

The conditions of jails and prisons in the country remained harsh and life threatening; inmates were not provided with food, medical care, working toilets, drinkable water, clean and healthful living space, and minimum equipment, such as beds. There were credible reports that conditions at Black Beach prison continued to improve; however, there also were credible reports that prison authorities tortured prisoners. Placido Mico, secretary general of Union for Social Democracy (CPDS), who was released in August under an amnesty (see Section 1.d.), described prison conditions as overcrowded, with prisoners kept in cells the size of cupboards. They were only allowed out for 1 to 2 minutes a day and forced to do labor. However, Mico said conditions had improved during the year, and he was allowed regular visits from his family.

Prison authorities and male prisoners sexually assaulted female prisoners. Credible reports were received of police gang-raping female prisoners in Malabo. Prisoners were used habitually as labor and as workers on construction projects for certain officials, without pay or other compensation. There were unconfirmed reports that judges used prisoners as domestic workers.

Male and female prisoners were not held in separate facilities, nor were juveniles held separately from adult prisoners. Pretrial detainees and political prisoners were not held separately from convicted prisoners.

Based on an October 2002 agreement with the Government, the International Committee of the Red Cross (ICRC) visited detainees and prisoners at prisons and police stations three times during the year. The ICRC historically has made recommendations to the Government. In the past, the government-controlled National Commission on Human Rights of Equatorial Guinea (CNDH) has reported that jail and prison conditions were harsh. Although the CNDH reported that prisoners were not mistreated, CNDH reports indicated there were food shortages and a lack of medical care. CNDH officials have taken partial credit for the improved conditions at Black Beach Prison.

d. Arbitrary Arrest, Detention, or Exile

There were nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, security forces systematically ignored these safeguards, and continued to arrest and detain persons arbitrarily and with impunity. Security forces often detained individuals "on orders from superiors" without any further formality.

Responsibility for policing is divided between the police, who are primarily responsible for security in urban centers, and the gendarmes, who have responsibility for the areas outside the cities and for special events within cities. Both are under the control of the Ministry of Interior. Corruption is endemic within these forces. Members of the security forces were rarely held accountable for abuses; impunity for police officers and gendarmes was a problem. There were no known reforms of the security forces proposed or enacted during the year.

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government were treated as being above the law.

In December, police arrested more than 30 civilian members of the Mongomo sub-clan and military personnel in Bata following rumors of a planned coup. They were reportedly transferred to Black Beach Prison in Malabo where they remained at year's end.

Police routinely detained prisoners incommunicado. Foreigners from neighboring countries sometimes were targeted for arbitrary mistreatment and random arrest (see Section 1.c.).

During the year, security forces harassed oil company employees. For example, in August, police arrested and detained for 2 hours two expatriates and asked them to pay \$100,000 (50 million CFA francs) to settle a dispute between their company and the Labor Ministry. They were not permitted to contact their embassies or lawyers.

Expatriate religious workers also were subject to harassment, ranging from demands for special documents and fees when entering the country to imprisonment. On April 25, Paul Young Hwa Stephan, whose parents were missionaries with the Unification Church in Malabo, was arrested and held without formal charge for 26 days at the central police station in Malabo. He had entered the country with a valid passport and an expired residency permit. Police informed Stephan's family that he would be released if they paid a bribe of approximately \$1,000 (500,000 CFA francs). The family did not pay the bribe. After a 26-day detention and an intervention with the Government by a Western diplomat, Stephan was released.

During the year, authorities reportedly detained members of political opposition parties for short periods. Some political detentions lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be fewer than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

FDR leader Felipe Ondo Obiang, arrested in March 2002 in connection with an alleged coup plot, was detained at Black Beach Prison in Malabo until June 9, when he was moved to Evaniyong Prison on the mainland where he remained at year's end (see Section 1.c.). It was believed that fellow opposition leader Guillermo Nguema Ela remained detained at Black Beach Prison at year's end.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate (see Section 1.f.).

The Constitution does not permit forced exile; however, the Government used forced internal exile, including against five men reportedly restricted to Mongomo (see Section 1.f.). The Government did not use forced external exile; however, some persons have fled the country for political reasons. During the year, President Obiang urged exiled opposition figures to return to the country and to legalize their parties. The leaders of National Resistance of Equatorial Guinea Group reported that their attempts to return to the country were unsuccessful, and there were no reports of returnees during the year.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence; however, the judiciary was not independent. Judges served at the pleasure of the President, and they were appointed, transferred, and dismissed for political reasons. Judicial corruption was widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice. The President was the most powerful influence on the judicial branch. There were no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and name judges. Some judges were regularly absent from their posts, resulting in delays in judicial proceedings. As a result of these absences, prisoners often remained in detention at police stations awaiting hearings for longer than the 72 hours prescribed by law; in addition, jails became even more overcrowded and unsanitary (see Section 1.c.). The Parliament's Complaints Commission was a de facto judicial authority, although it had no formal legal jurisdiction. According to local media, the Parliament's president acted as a court of last resort.

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside.

The Constitution and laws provide for legal representation in trials and the right to appeal; however, in practice the authorities often did not respect these provisions. Civil cases rarely came to public trial. Cases involving national security were tried by a military tribunal. Cases that essentially were political in nature frequently were referred to military courts, even when the defendants were civilians and the charges were not related to the military. The Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or not they are military personnel. Military courts did not provide due process or other procedural safeguards, and proceedings were not made public.

In May 2002, a special tribunal convicted 68 prisoners and their relatives and sentenced them from 6 to 20 years in prison for a purported coup d'etat plot against President Obiang. There were numerous irregularities associated with the trial, including evidence of torture and a lack of substantive proof (see Section 1.c.). Since the trial, the presiding judge has been appointed to the Supreme Court. On August 3, the Government released CPDS Secretary General Placido Mico from prison as part of a general amnesty for 31 people convicted in May 2002 of coup conspiracy. The pardons, announced on the eve of the 24th anniversary of President Obiang's seizure of power in a coup, were granted on the condition that none of the pardoned men commit "crimes or errors" under amnesty for a period of 10 years. Of the approximately 144 persons tried in May 2002 for coup conspiracy, 76 were acquitted, 30 were pardoned in October 2002, 31 were pardoned in August, and 3 died in 2002, reportedly of injuries received during detention and interrogation. Members of the Bubi group, convicted following a 1998 revolt in Luba, were also included in the August amnesty.

Even with these releases, the Government continued to hold a number of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, the Government did not respect these prohibitions in practice. There continued to be reports that security forces regularly searched homes and arrested occupants without warrants, generally with impunity.

There continued to be reports of government surveillance of members of the opposition parties and of foreign diplomats. During the year, journalists and citizens continued to report that they strongly suspected monitoring of their telephone calls and e-mails by the Government.

In December, police in Malabo rounded up a significant number of foreign nationals, mostly West Africans, to review their immigration status. Most were quickly released, although many complained about having to pay "fees" of \$100 to \$200 (50,000 to 100,000 CFA francs) to gain their release.

In 2002, approximately 500 Cameroonians were displaced or repatriated following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth.

In December, one government official and one member of the legislature fled to Spain and requested asylum. It was unclear if they left because of criminal or political problems. In January 2002, UP Secretary General Nguema reported that authorities gave seven high ranking military officials, who had been forced to retire because of their affiliation with the UP, 4 days to leave Malabo for their respective villages. Nguema said the injunction was "without apparent reason" and contravened an accord signed by the Government prohibiting extrajudicial confinement. The officials reportedly went back to their villages voluntarily.

Membership in the PDGE generally was a prerequisite for hiring and promotion, both in the public and private sectors. Membership in a rival political organization was considered grounds for dismissal from any position, public or private. Opposition politicians who were not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate. For example, during the March 2002 arrests of 144 alleged coup plotters, family members of Felipe Ondo Obiang, including his pregnant niece, were detained incommunicado and tortured.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Journalists practiced self-censorship.

The Government did not tolerate criticism of public institutions and public sector mismanagement and permitted no criticism of the President or the security forces. Expatriates dependent on the Government did not voice complaints about the frequent abuses against them, ranging from the police demanding bribes for imaginary offenses to city, provincial, and federal officials extorting money for "licenses" for which there was no statutory basis. Complaints about official conduct in the country continued to be accompanied by requests not to be identified to avoid reprisals.

There were five general-interest newspapers that published irregularly: La Gaceta, a Malabo-based monthly publication with informal connections to the Government and printed in Spain; El Correo Guineo Ecuatoriano, a bimonthly newspaper published by the Gaceta group; La Opinion, an opposition newspaper published every 2 to 3 weeks; El Tiempo, an opposition newspaper; and Ebano, a publication of the Ministry of Information, Tourism, and Culture, which appeared approximately twice a month. Students at the National University have published a magazine, AYO, and the Guinean-Hispano Cultural Center also has published a monthly cultural review, El Patio. The PDGE published La Voz del Pueblo, and the opposition CPDS published La Verdad. There was very limited availability of foreign publications.

Radio was the most important and influential medium of mass communication. During the year, the Government continued to effectively dominate domestic radio broadcasting. It owned and operated the station Radio Malabo. In July, state radio described President Obiang as "the country's God" who has all power over men and things. The program said the President is in permanent contact with the Almighty and "can decide to kill without anyone calling him to account." The President's son, Teodorino Obiang Nguema, who also was Minister of Forestry, Environment, and Fisheries, owned the only private local radio station, Radio Asonga. The Government has not approved the other applications for private radio stations that have been pending for several years.

The only domestic television station was government-controlled, and broadcast only a few hours a day. Television Asonga, owned by President Obiang and run by his son in coordination with Radio Asonga, broadcast by cable only in Bata. Foreign cable television was available, and provided the Cable News Network, French news, movies, sports events, and cartoons; however, relatively few citizens could afford cable. Satellite reception increasingly was available.

International electronic media was available and included Radio France International, which broadcast in Malabo, and Radio Exterior, the international short-wave service from Spain. Radio Exterior often broadcast news about the country and interviews with opposition politicians and was virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, frequently were highly critical of the Government. The Government regularly accused Radio Exterior, sometimes with justification, of misrepresenting the situation in the country.

All journalists must be registered with the Ministry of Information. According to the Ministry, in 2001, there were 18 independent reporters registered, and between 35 and 45 reporters employed by the PDGE or the Government. Foreign journalists were allowed to travel and report independently. The law requires foreign media to obtain ministerial accreditation before entering the country. During the year, the Government permitted a crew of investigative journalists and cameramen from a foreign news program to report on the country. President Obiang and other members of the Government consented to on-camera interviews.

On November 2, police in Malabo arrested Rodrigo Angue Nguema, a correspondent for Agence France Presse, after he filed an October 29 report about an alleged coup plot. The Information Minister said publicly that the report was "completely wrong." Police filed no charges against Nguema and detained him at the central police station for 8 days. The prosecutor's office requested that Nguema remain available for further questioning. During the 2002 trial of alleged coup plotters, police authorities banned Nguema from entering the courtroom, even after Nguema showed his press card.

The law authorizes government censorship of all publications. The Ministry sometimes required publishers to submit copy for approval prior to publication during the year. In addition, all local publications exercised self-censorship and were subject to prior restraint.

The Government generally withheld access to domestic broadcasting from opposition parties and rarely referred to the opposition in anything but negative terms when broadcasting the news.

The Association of the Press of Equatorial Guinea (ASOPGE), prevented in previous years from organizing exhibitions and conferences, reported more freedom during the year and organized at least one conference and several other events. ASOPGE president Pedro Nolasco Ndong remained outside the country. Roberto Martin Prieto was the acting head of the association.

The Government did not appear to restrict Internet access; however, it was expensive, and computer ownership was not widespread. Private cyber cafes provided fairly reliable Internet access. In 2002, Reporters without Borders noted that several associative and political journalists complained of increasing difficulties accessing the Internet. There was one Internet service provided, which was affiliated with the Government.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government restricted this right in practice. Government authorization must be obtained for private home meetings of more than 10 persons for discussions that the Government considers political in nature. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice, opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally monitored gatherings in public places, even small gatherings. The Government required notification for public events; however, it usually granted permission for such events.

In 2002, the Government required the Catholic NGO Autonomous Rural Development (DAR) in the diocese of Ebibeyin to inform the locally appointed official delegate of each board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. Subsequently, the DAR avoided the Ebibeyin order by meeting in Bata. During the year, there were no reports of problems between DAR and Ebibeyin officials.

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. The law prohibits coalitions between political parties; however, five opposition groups formed a coalition (see Section 3). Opposition party members complained of disruption of meetings.

There were 12 political parties that the Government called "opposition parties"; 11 have allied themselves with the ruling PDGE. The Government pointed to these opposition parties as examples of the country's multiparty democracy.

The Government reportedly applied pressure to persuade opposition members or officials from most, but not all, opposition parties to join the PDGE party; opposition members joining the PDGE during the year suggested that such practices persisted. Reportedly the Government bribed members of the opposition.

A number of opposition parties, including the FDR still were seeking recognition at year's end.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice.

The law includes a stated official preference for the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and historic influence in the social and cultural life. For example, a Roman Catholic Mass normally was part of any major ceremonial function, such as the October 12 national day.

A religious organization must be formally registered with the Ministry of Justice and Religion before its religious activities are allowed. While religious groups must be approved and registered to function legally, there were no reports during the year that the Government had refused to register any group. The approval process usually takes several years, due primarily to general bureaucratic slowness and not as the result of a policy designed to impede the operation of any religious group.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. During the year, church representatives reported that they practiced self-censorship on these issues. The Government required permission for any religious activity outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious study was required in schools and was usually, but not exclusively, Catholic.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, the Government limited them in practice. Local police routinely extorted bribes from occupants of vehicles traveling outside the capital. The police routinely stopped citizens at roadblocks, subjected them to searches, and extorted money from them. Police and soldiers continued to target foreigners (see Section 1.c.). The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. These checkpoints effectively restricted the freedom of movement of members of the opposition.

All citizens were required to obtain permission to travel abroad from the local Police Commissioner, and some members of opposition parties were denied this permission. Those who did travel abroad sometimes were interrogated upon their return. Exit visa were no longer required for citizens traveling outside the country.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In recent years, an average of one or two persons requested refugee status in the country. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR).

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised strong

powers as head of state, commander of the armed forces, and leader of the government party, the PDGE. Impeachment of the head of state is forbidden in the Constitution. Leadership positions within the Government in general were restricted to the President's Mongomo sub-clan of the Fang ethnic group and its closest supporters. The Government completely dominated the elected Chamber of Deputies, and the Minister of the Interior also acted as President of the National Electoral Board.

President Obiang won the December 2002 election, with 97.1 percent of the vote and 98 percent of registered voters participating. Opposition leaders charged that census results showing a twofold population increase were flawed and that numbers were inflated to perpetuate election fraud. Prior to the elections, there were reports that arrests and harassment of opposition party members increased. Four of the leading opposition candidates published a statement that rejected the vote and called for new elections. There were widespread reports of irregularities on election day, including intimidation at the polls. For example, in some towns, commission members gathered voters and asked whether any intended to vote for the opposition. When none responded affirmatively, their votes were counted for the President. Voters were discouraged from voting in secret, ballots were opened, and ruling party representatives reportedly cast votes in their own right as well as on behalf of minor children and the deceased. There also were reports that security forces intimidated voters by their presence in polling booths. The European Union (EU) expressed concern regarding the democratic process, severely criticized the way the presidential election was carried out, and recommended that the Government invite the U.N. or the EU to send an electoral assistance mission.

The most recent legislative elections were held in 1999. International observers considered them seriously flawed and characterized by numerous irregularities and restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel, and opposition leaders were detained intermittently and sometimes mistreated, tortured, or assessed stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held. Legislative elections are scheduled for March 2004.

In late August, the Government invited representatives of the 13 political parties to a 4-day meeting in Mbini to discuss democratization. In November, the Government enacted legislation implementing the accord reached at the August meeting, mandating secret ballots in elections, increasing the number of representatives in the legislature from 80 to 100, and undertaking to complete the electoral registers and hand out voter registration cards prior to convoking the elections. The stated objective in increasing the number of members of the legislature was to give opposition parties a greater opportunity for representation. The Government made virtually no effort to implement an earlier pact to create a multiparty electoral commission and an observance commission to monitor compliance with the agreement and to end various other political and electoral abuses. In 2002, arrests of CPDS and UP party leaders further undermined the Government's claims that it abided by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition (see Sections 2.a. and 2.d.).

The electoral law prohibits coalitions between political parties; however, at year's end, all legal political parties except the CPDS were aligned with and were part of the Government. Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end.

During the year, the Government moved its executive seat from Malabo to Bata for 6 months in an effort to provide more of a presence on the mainland. Ministers and key party officials moved, but the bureaucratic infrastructure remained in Malabo.

There were no legal restrictions on the participation of women or minorities in politics. There were 5 women in the 80-member legislature and 3 women in the 41-member cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no effective domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights were not one of these areas.

There were no local NGOs, other than the government-controlled CNDH, that monitored respect for fundamental human rights throughout the country. The CNDH concentrated primarily on prison conditions. Unconfirmed sources have said that the Parliament appointed CNDH members.

No international human rights NGOs were resident in the country; however, there were signs of improvement in the

relations between some international organizations and the Government during the year. In 2002, the Government signed a convention providing the ICRC regular prison access (see Section 1.c.).

Catholic Relief Services (CRS) confined its programming to health-related issues, citing safety concerns for staff and partners. There have been allegations from CRS, Reporters Without Borders, and the Center for Rural Development that NGO representatives visiting Malabo have had their movements, calls, e-mails, and faxes monitored.

Unlike in the previous year, security forces did not arrest aid workers or deny requests from NGOs to enter the country.

In August, the EU opened an office in Malabo to coordinate human rights and other issues.

In April 2002, the CNDH terminated the mandate of UNHRC Special Representative Gustavo Gallon, despite protest from the international community and the former Special Representative himself. Advisory and technical support in the area of human rights continued.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued. Persons with HIV/AIDS were victims of societal discrimination and often kept their illnesses hidden.

Women

Domestic and other societal violence against women, particularly wife beating, was common. The public beating of wives was forbidden by government decree; however, violence in the home generally was tolerated. The Government does not prosecute perpetrators of domestic violence. Women were subjected to sexual abuse both from the authorities and other prisoners while in detention (see Section 1.c.).

Prostitution is illegal; however, the massive influx of single foreign men in the petroleum sector contributed to an increasing prevalence of prostitution. During periodic crackdowns, police arrested prostitutes but allowed their clients, generally expatriates, to go free.

Although the Constitution provides for equal rights, women largely were confined by custom to traditional roles, particularly in agriculture. Polygyny, which was widespread among the Fang, contributed to women's secondary status, as did limited educational opportunity.

There was no discrimination against women in formal inheritance and family law; however, in the Fang, Ndowe, and Bisio cultures, primogeniture was practiced. Because women become members of their husband's family upon marriage, they usually were not accorded inheritance rights. When the husband dies, a widow either remains with his family in a dependent, marginalized position, or she returns the dowry and leaves with nothing.

For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given to her family by the bridegroom at the time of marriage. Tradition also dictates that if a girl's family accepts a dowry from a man, she must then marry him, regardless of her wishes. If the marriage does not take place, the family is required by tradition to return the dowry, which they sometimes cannot do, which could lead to imprisonment of the bride or a family member for the debt. The law protects women from imprisonment for not repaying the dowry following divorce; however, in practice, many divorced women faced intense family pressure to repay the dowry. If a marriage dissolves, the husband also automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage.

According to the law, women have the right to buy and sell property and goods; however, in practice, the male-dominated society permitted few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children

No provisions for the welfare of children were legislated. The Government devoted little attention to children's rights

or their welfare and had no set policy in this area. Education was compulsory through primary school, but the law was not enforced. In practice, boys were expected either to complete an additional 7 years of secondary school or to finish a program of vocational study following primary education. Pregnancy and the requirement to assist in agricultural work made this level of education less likely for girls. Many rural families were unable to afford the school fee and book expenses for children over 10 years of age. A 2003 UNICEF report noted that primary school enrollment from 1992 to 2001 was 38 percent both for boys and girls; however, secondary school enrollment from 1995 to 1999 was 43 percent for boys and 19 percent for girls. Generally women have only one-fifth the educational level of men. New schools have opened; however, they were reported to be without basic materials such as books and desks. Teachers were political appointees and often received no training. Children suffered poor health and a high mortality rate.

Child prostitution existed but was rare.

Child labor existed primarily in the form of children working as farmhands and market vendors in family businesses.

Persons with Disabilities

There was no constitutional or legal provision to protect persons with disabilities from discrimination in employment, education, or the provision of other state services. While there was no formal evidence of discrimination against persons with disabilities, anecdotal evidence suggested that basic care may be withheld when children have disfiguring diseases such as polio. The law does not mandate access for persons with disabilities to buildings.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was not legal, and the Government did not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo sub-clan of the Fang ethnic group persisted. In practice, some members of ethnic minorities faced discrimination because they were not members of the Fang ethnic group, or belonged to a Fang sub-clan other than the President's. Differences among clans of the Fang ethnic group, in particular, resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions.

In July 2002, police began forcing approximately 500 Cameroonians out of Malabo following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most were small traders and businesspersons. The police reportedly continued to harass and extort money from them as well as harassing asylum seekers on an individual basis.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to organize unions; however, the Small Farmers Syndicate, was the country's only legally recognized labor union. According to the International Confederation of Free Trade Unions, the Government has never allowed the registration of unions; as a result, the Equatorial Guinea Trade Union has been forced to carry out its activities in secret. There were a few cooperatives with limited power. The law stipulates that a union must have at least 50 members who are from a specific workplace and located in the same geographic area to register; this effectively blocked union formation. The CPDS tried unsuccessfully to legalize its affiliated Syndicated Workers' Union, and an independent union, Independent Syndicated Services, was denied registration despite having met the requirements of the law.

A law has never been enacted to govern unions for civil servants.

During the year, the country's major private employer, the oil industry, which was dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by noncitizens only, to eliminate political bias in the hiring process. According to regional representatives of the International Labor Organization (ILO), these efforts largely have been ineffective, and the Government continued to influence employment in all sectors.

There were instances when the Government retaliated against political opponents by compelling their employers to dismiss them.

In 2001, an ILO team met with the Government to discuss reform of the country's labor laws and ILO assistance for labor inspectors; however, no subsequent action has been taken.

There was no law prohibiting anti-union discrimination.

Labor unions may affiliate with international bodies; however, there were no reports of such affiliation during the year.

b. The Right to Organize and Bargain Collectively

The law provides workers the right to organize and bargain collectively; however, the Government placed practical obstacles before groups wishing to organize. The Government and employers set wages, with little or no participation by workers. There was no evidence of collective bargaining by any group; however, the Labor Ministry sometimes mediated labor disputes.

The law provides for the right to strike; however, there were no strikes during the year. The Labor Code contains provisions to uphold worker rights, but the Government generally did not enforce them, in part because of inadequate staffing in the Ministry of Labor. Apart from the Labor Ministry, workers had few other places to seek redress. Members of the National Assembly reportedly tried to mediate employer-worker disputes over wages or dismissals; however, they had no legal authority to do so.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law forbids forced or bonded labor, including by children, and slavery; however, detainees and convicted felons performed extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.).

There were reports that forced child labor occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment was 14 years, but the Ministry of Labor did not enforce this law, and child labor was common particularly on family farms and businesses. The Government also did not enforce the law that stipulates mandatory education through primary school. Underage youth performed both family farm work and street vending. While the Ministry of Labor was responsible for the enforcement of labor legislation, the Government did not have a comprehensive policy on child labor.

e. Acceptable Conditions of Work

Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum wage. Early in the year, the Government introduced a two-tier system creating a separate wage system for private sector workers inside and outside of the oil sector. The minimum monthly wage for all private sector workers was approximately \$154.00 (77,000 CFA francs). Within each group (oil and non-oil), a multi-tiered system of classification was created, and workers were graded according to education-level, skills, and experience, and the wages increased according to these factors. Companies subcontracted to the oil industry were considered part of the petroleum sector. High-level professional employees of international companies received salaries near to or the same as expatriate workers. Any additional task or duty added to a worker's responsibility required the worker to receive a minimum increase of 25 percent of base pay, and workers received such increases in practice. Neither the minimum wage law nor these additional requirements applied to public sector workers who generally were much more poorly paid. The minimum wage was generally sufficient to provide a decent standard of living for a worker and family.

The law prescribes a standard 35-hour workweek and a 48-hour rest period, which were observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government did not enforce this in practice. The Government had an insufficient number of labor inspectors to oversee local industry. The Government continued training more inspectors during the year.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there continued to be reports that the country increasingly was a destination and transit point for trafficked persons.

Children primarily were trafficked into the urban labor sector in Malabo and Bata, mostly from Benin and Nigeria. Nigerian boys worked in market stalls in Bata, often without pay or personal freedom. In 2001, UNICEF reported that the country served as a transit point for children who were trafficked to Gabon. The country was both a destination and a transit point for trafficked women, mostly from Cameroon, Benin, and Nigeria. Women were trafficked for prostitution, especially to Malabo.

The Government has undertaken a project to provide protection and assistance to trafficked and at-risk children, which included construction of two shelters in 2002. Over the past few years, the Government has offered to repatriate and provide assistance to trafficking victims. The Government cooperated with NGOs that provided services to victims and at-risk women and children. In terms of prevention, the Government sponsored radio announcements to promote the law forbidding employment of children under the age of 14 years. The Government also requested the support of international organizations to finance a national study on child trafficking, and to identify measures for its eradication. The Government sent representatives to Libreville to attend a regional conference on trafficking in persons in 2002.